

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

RICHARD LAYMAN,

Plaintiff,

v.

Case Number 08-12818  
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION,  
GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT, DENYING  
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT, AND AFFIRMING THE  
COMMISSIONER'S DETERMINATION**

On March 19, 2009, Magistrate Judge Virginia Morgan issued a report and recommendation that the Court grant Defendant's motion for summary judgment, deny Plaintiff's motion for summary judgment, and affirm the decision denying benefits. None of the parties to this action filed objections to the report and recommendation. A party's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [Dkt. # 10] is **ADOPTED**.

It is further **ORDERED** that Defendant's motion for summary judgment [Dkt. # 9] is **GRANTED** and Plaintiff's motion for summary judgment [Dkt. # 8] is **DENIED**.

It is further **ORDERED** that the determination of Defendant is **AFFIRMED** and Plaintiff's complaint is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: April 6, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 6, 2009

s/Tracy A. Jacobs  
TRACY A. JACOBS